Atty Dkt No. ARC920030103US1 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert David ALLEN et al.

Confirmation No.: 8945

Serial No.: 10/729,169

Group Art Unit: 1713

Filing Date: December 4, 2003

Examiner: Unassigned

Title: LOW ACTIVATION ENERGY PHOTORESISTS

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS. PETITION TO ACCEPT COLOR PHOTOGRAPHS UNDER 37 CFR § 1.84(A)(2) AND (B)(2), AND PETITION FOR EXTENSION OF TIME

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Corrected Application Papers dated March 15, 2004, applicants hereby petition the Commissioner to accept the enclosed color photographs as Figs. 1A-6 in the abovereferenced application, as the figures originally filed with the application in black and white were found to not be electronically reproducible by the Patent Office.

Applicants also petition for a one-month extension of time for which to file this response, extending the due date to June 15, 2004.

Pursuant to 37 CFR § 1.84(a)(2), enclosed herewith are:

- a) A Fee Transmittal authorizing the Commissioner to charge Deposit Account No. 09-0441 for the required petition fee of \$130 as set forth in 37 CFR § 1.17(h) and the one-month extension fee of \$110 for a large entity;
 - b) three (3) complete sets (seven (7) sheets per set) of color photographs as Figs. 1A-6;
 - c) a black and white photocopy set of the color photographs; and
 - d) a Preliminary Amendment as set forth in 37 CFR § 1.84(a)(2)(iv).

Applicants request favorable consideration of this petition.

06/23/2004 AWONDAF1 00000035 090441 10729169

Respectfully submitted,

01 FC:1460

130.00 DA

By:

Warzel

Registration No. 47,264

REED & EBERLE LLP 800 Menlo Avenue, Suite 210 Menlo Park, California 94025

tel.: (650) 330-0900; fax: (650) 330-0980

Amendment dated June 15, 2004 Reply'to Notice dated March 15, 2004



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PRELIMINARY AMENDMENT UNDER 37 CFR § 1.84(A)(2)(IV)

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Corrected Application Papers dated March 15, 2004, please amend the above-identified application as follows.

Amendments to the Specification begin on page 2 of this document.

Remarks begin on page 3 of this document.

)6/23/2004 AWDNDAF1 00000035 090441 10729169

)2 FC:1251

110.00 DA



Name/Number: 10729169

Total Records Found: 5

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Tran Type	Fee Code	Fee Amount Mailroom Date	Payment Method
01/06/2004	00000179	1	<u>1001</u>	\$770.00 12/04/2003	DA 090441
01/06/2004	00000180	<u>1</u>	<u>1202</u>	\$648.00 12/04/2003	DA 090441
01/12/2004	00000121	1	<u>8021</u>	\$40.00 12/04/2003	DA 090441
06/23/2004	00000068	<u>1</u>	<u>1460</u>	\$130.00 06/18/2004	DA 090441
06/23/2004	00000069	<u>1</u>	<u>1251</u>	\$110.00 06/18/2004	DA 090441

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REQUEST FOR REFUND AND RESPONSE TO WITHDRAWAL OF PREVIOUSLY SENT NOTICE

Commissioner for Patents P.O. Box 1450 Deposit Account Mail Stop 16 Alexandria, VA 22313-1450

Applicants respectfully request a refund of fees paid to the U.S. Patent & Trademark Office due Sir: to an error on the part of the Office based on the circumstances summarized as follows:

- 1) On March 15, 2004, a Notice to File Corrected Application Papers was sent to applicants indicating that replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 were required;
- 2) On June 15, 2004, in response to the Notice, applicants filed a Petition and Request for an Extension of Time charging International Business Machines Deposit Account No. 09-0441 in the amount of \$240 for the Petition and Extension of Time;
- 3) On July 28, 2004 a notice of Withdrawal of Previously Sent Notice was sent to applicants indicating that the Notice sent on March 15, 2004 was sent in error and that applicants were requested to disregard the Notice of March 15th.

Due to the error on the part of the U.S. Patent & Trademark Office in sending the Notice on March 15, 2004, applicants have been required to respond to this Notice, and have paid an amount of \$240 that was not necessary. Applicants respectfully submit that the fee of \$240 applicants paid in error should be refunded to them and request that this amount be credited to the International Business Machines Deposit Account No. 09-0441.

Respectfully submitted,

REED & EBERLE LLP 800 Menlo Avenue, Suite 210 Menlo Park, California 94025

tel.: (650) 330-0900; fax: (650) 330-0980

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Respectfully submitted.

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By:

L. Warzel

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
And to a posterior of inferior unless it displays a valid OMB control number. Under the Paperwork Reduction Act of 1995, no persons are required to a 10/729,169 Application Mumber Robert David Aller OCT Filing Date TRANSMITTAL First Named Inventor **FORM** 1713 Art Unit (to be used for all correspondence after initial filing) Unassigned Examiner Name ARC920030103US1 Attorney Docket Number Mail Stop | 16 ENCLOSURES (Chack all that apply) After Allowance Communication Drawing(s) to a Technology Center (TC) No fee due Licensing-related Papers Appeal Communication to Board Fee Transmittal of Appeals and Interferences Petition Fee(s) due Petition to Convert to a Appeal Communication to TC Fee Transmittal (Appeal Notice, Brief, Reply Brief) **Provisional Application** Check for \$* Power of Attorney, Revocation, Proprietary Information Charge any underpayment or Change of Correspondence Status Letter credit any overpayment to Address Other Enclosure(s) (please Deposit Account No. 09-0441 **Terminal Disclaimer** identify below): Return postcard Request for Refund and Request for Refund Amendment/Reply Response to Withdrawal of CD, Number of CD(s): Previously Sent Notice After Final Affidavits/declaration(s) The Commissioner is hereby authorized to charge any additional or **Extension of Time Request** underpayment of fee(s) to Deposit Account No. 09-0441. **Express Abandonment Request** Information Disclosure Statement & Form(s) PTO-1449 Copy(ies) of cited reference(s) Certified Copy of Priority Document(s) Response to Missing Parts / Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT (650) 330-0900 Mark L. Warzel, Reg. No. 47,264 Telephone Firm or Red & Eberte LLP Individual Name (print/type) September 29, 2004 Date Signature CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Joe Chark September 29, 2004 Name (print/type) Date Signature F:\Documen)\\$075\0041\Refund Request Transmittel.doc